

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE SLOAN,  
Plaintiff,

v.

WELLSFARGO HOME  
MORTGAGE/WACHOVIA MORTGAGE,  
FSB,  
Defendant.

Case No. [16-cv-01333-JD](#)

**ORDER RE AMENDED COMPLAINT**

Re: Dkt. No. 22

Pro se plaintiff George Sloan filed this mortgage-related action in Alameda County Superior Court on January 9, 2016, alleging claims against Wells Fargo Bank, N.A. (aka Wells Fargo & Company and Wachovia Bank) and twenty Doe defendants. Dkt. No. 1-1. Plaintiff's complaint alleged a violation of the Real Estate Settlement Procedures Act (12 U.S.C. § 2605 et seq.) and various violations of California law. *Id.* Wells Fargo Bank, N.A. ("Wells Fargo") removed the case to this court on March 17, 2016 on federal question and diversity grounds, Dkt. No. 1, and moved to dismiss the complaint on March 24, 2016. Dkt. No. 9.

On April 18, 2016, the Court issued an order vacating the hearing on the motion, indicating that it would order plaintiff to oppose the motion after the parties participated in an ADR phone conference on May 6, 2016. Dkt. No. 20. Instead of accepting the Court's invitation to focus their energy on resolving the case in the ADR phone conference, the parties began filing papers with the Court at a furious pace. Sloan filed a request to file a late opposition to the motion to dismiss, and an amended complaint. Dkt. Nos. 21, 22. Wells Fargo opposed Sloan's request to file a late opposition, and then filed a motion to strike the proposed amended complaint for failure to seek leave. Dkt. Nos. 23, 24.

In light of plaintiff's pro se status, the Court construes plaintiff's filings as a request for

1 leave to amend his complaint. The Court grants the request pursuant to Federal Rule of Civil  
2 Procedure 15(a)(2) ("The court should freely give leave when justice so requires."). Plaintiff is  
3 cautioned that he will need to ensure that any newly named defendant(s) in the amended complaint  
4 are properly served. Any response to the amended complaint by parties that have already  
5 appeared in this matter will be due no later than Friday, May 20, 2016. Any response to the  
6 complaint by a newly named defendant will be determined by its service. Plaintiff is advised that  
7 Federal Rule of Civil Procedure 4(m) may require the Court to dismiss claims against any  
8 defendant not served within 90 days of the amended complaint's filing date.

9 Wells Fargo's pending motion to dismiss, Dkt. Nos. 9, 18, is terminated without prejudice  
10 to renewing the arguments as warranted in response to the amended complaint. Wells Fargo's  
11 motion to strike the amended complaint, Dkt. No. 24, is denied.

12 **IT IS SO ORDERED.**

13 Dated: May 5, 2016

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JAMES DONATO  
United States District Judge